

CLEAN AIR ACT7-100. Approval of State Rules and Programs for Hazardous Air Pollutants**1. AUTHORITY.**

- a. To approve or disapprove State requests to implement and enforce unchanged federal Section 112 emission standards, pursuant to Subsection 112(l) of the Clean Air Act, using criteria defined in 40 C.F.R. § 63.91, and to notify the State of such actions.
- b. To approve or disapprove State rules that adjust a federal Section 112 rule, using criteria defined in 40 C.F.R. §§ 63.91 and 63.92, and to notify the State of such actions.
- c. To approve or disapprove State rules and requirements that substitute for a federal Section 112 rule, using criteria defined in 40 CFR §§ 63.91 and 63.93, and to notify the State of such actions.
- d. To approve or disapprove State programs that serve as substitutes for Section 112 emission standards, using criteria defined in 40 C.F.R. §§ 63.91 and 63.94, and to notify the State of such actions.
- e. To approve or disapprove State Accidental Release Prevention Programs, using criteria defined in 40 C.F.R. §§ 63.91, 63.92, or 63.93 and 63.95, and to notify the State of such actions.
- f. To make completeness determinations pursuant to 40 C.F.R. § 63.91(a)(1), and to notify the State of such determinations.
- g. To make information requests pursuant to 40 C.F.R. § 63.96(a).
- h. To make determinations of adequacy for the purpose of withdrawing State rules or programs pursuant to 40 C.F.R. § 63.96(b), and to conduct withdrawal proceedings pursuant to 40 C.F.R. § 63.96(b).
- i. To approve or disapprove revisions to previously approved rules, programs, or other authorities pursuant to 40 C.F.R. § 63.91(c).
- j. To approve or disapprove State rules and programs limiting a source's potential to emit hazardous air pollutants pursuant to Subsection 112(l) of the Clean Air Act, and to notify the State of such actions.

2. TO WHOM DELEGATED. Director, Air and Radiation Division.

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3. **LIMITATIONS.** Prior to exercising authorities 1.c., 1.d., 1.e., and 1.h. the delegated official shall afford the assistant administrators for Air and Radiation, Enforcement and Compliance Assurance, and Solid Waste and Emergency Response (as applicable), and the general counsel an opportunity to review, and if necessary non-concur on, the region's proposed decision within 15 days after the regional office submits the draft final Federal Register notice to each of these Headquarters offices. EPA Headquarters will evaluate the need for a non-concurrence role three years from the date on which this delegation is approved.
4. **REDELEGATION AUTHORITY.**
 - a. Authority 1.a. may be redelegated to the branch chief level, or equivalent, and no further. Authorities 1.f. and 1.g. may be redelegated to the branch chief level, or equivalent, and no further. All other authorities may not be redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Subsection 112(l) of the Clean Air Act.
 - b. 40 C.F.R. Part 63, Subpart E, Approval of State Programs and Delegation of Federal Authorities.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date